

P L A N N I N G C O M M I S S I O N

ACTION MINUTES

TUESDAY, OCTOBER 2, 2001

Chair Parsons called the meeting to order at 7:04 p.m. at the Twin Pines Senior and Community Center.

I. ROLL CALL:

Present, Commissioners: Parsons, Mathewson, Gibson, Petersen

Absent: Wiecha, Torre (Commissioner Torre arrived at 7:06 p.m.)

Present, Staff: Community Development Director Ewing, Principal Planner de Melo, Associate Planner Ouse, City Attorney Savaree, Recording Secretary Flores, Temporary Recording Secretary Szabo

II. AGENDA STUDY SESSION:

None

III. AGENDA AMENDMENTS:

None

IV. COMMUNITY FORUM (Public Comments):

Mitchell Baker, 2704 All View Way, addressed the Commission regarding the proposed development of Monte Cresta Road, stating that she wanted the Commission and staff to be aware that a group of neighbors is organizing for the purpose of participating in the evaluation of the proposal. They have concerns regarding the instability of the hillside and many other issues regarding the proposed project.

V. CONSENT CALENDAR:

Minutes for July 17, 2001.

Minutes for August 7, 2001.

Minutes for August 21, 2001.

Minutes for September 4, 2001

Commissioner Torre arrived at 7:06 p.m.

Regarding Item B, minutes of August 7, 2001, Commissioner Torre asked that at the top of Page 4, the phrase "because it falls within the parameters laid out in the zoning code" be added to her statement regarding her intent to vote for the project. On Page 7, the term "be held" should be added to the sentence regarding the discussion of the exception process.

MOTION: By Commissioner Mathewson, seconded by Commissioner Gibson, to approve Item B, Minutes of August 7, 2001, as amended.

Ayes: Gibson, Torre, Petersen, Mathewson, Parsons

Noes: None

Absent: Wiecha

Motion passed 5/0/1

MOTION: By Commissioner Mathewson, seconded by Commissioner Gibson, to approve Item A, Minutes of July 17, 2001

Ayes: Gibson, Torre, Parsons

Noes: None

Abstain: Petersen, Mathewson

Absent: Wiecha

Motion passed 3/0/2/1

MOTION: By Commissioner Mathewson, seconded by Commissioner Gibson, to approve Item C, Minutes of August 21, 2001.

Ayes: Mathewson, Torre, Gibson, Petersen, Parsons

Noes: None

Absent: Wiecha

Motion passed 5/0/1

MOTION: By Commissioner Mathewson, seconded by Commissioner Gibson, to approve Item D, Minutes of September 4, 2001.

Ayes: Mathewson, Torre, Gibson, Petersen

Noes: None

Abstain: Parsons

Absent: Wiecha

Motion passed 4/0/1/1

VI. STUDY SESSION: None

VII. PUBLIC HEARINGS:

Public Hearing – 2927 San Juan Boulevard: To consider a Single-Family Design Review, Grading Plan and Tree Removal Permit to construct a new two-bedroom 1,200 square foot single family house in a zoning district that permits a maximum floor area of 1,200 square feet. (Continued from 8/7/01 Planning Commission Meeting). (Appl. No. 00-1068); APN: 043-202-030; Zoned: HRO-2 (Subdivided Hillside Residential Open Space); CEQA Status: Exempt; Jerry Chapman (Applicant); Alice Chapman (Owner)

PP de Melo reviewed the history of the project and summarized the staff report, recommending approval of the project, subject to the conditions of approval attached as Exhibit A.

Jerry Chapman, applicant, addressed the Commission, stating that the soil nails will remain permanent and the wording to complete the documentation has been discussed with the City Attorney.

Chair Parsons opened the public hearing. No one came forward to speak.

MOTION: By Commissioner Mathewson, seconded by Commissioner Gibson, to close the public hearing. Motion passed.

MOTION: By Commissioner Mathewson, seconded by Commissioner Torre, to adopt the Resolution approving a Grading Plan, Single-Family Design Review and Tree Removal permit for 2927 San Juan Boulevard, subject to all conditions.

Ayes: Mathewson, Torre, Gibson, Petersen, Parsons

Noes: None

Absent: Wiecha

Motion passed 5/0/1

Chair Parsons stated that the item may be appealed to the City Council within ten days,

Public Hearing – 1301 Ralston Avenue: To consider a Preliminary Design Review application to construct a 159,040 square foot four-story independent senior living facility adjacent to the existing Ralston Village Dementia Care Facility. The 80-unit residential building includes a subterranean 44,959 square foot parking garage with spaces for 99 vehicles and 38 additional uncovered spaces within the project site. Common building areas proposed include administrative and medical offices, salon, library, pool facility, dining area,

and kitchen. (Appl. No. 01-0064); APN: 040-170-010, 045-190-030 & 040; Zoned: PD (Planned Development); CEQA Status: Exempt; Brad Liebman (Applicant); Campus Belmont (Owner)

C Torre recused herself from discussion of this item as she lives within 500' of the proposed project.

PP de Melo summarized the staff report, noting that the item is a preliminary design review only; therefore, no decisions will be made about the project. It is presented as an opportunity for feedback for the applicant from the Commission and the public prior to submittal of a more formal application.

Brad Liebman, applicant introduced the project and his design team.

Joel Roose, Pacific Union Development Co., noted that the plans have been developed after considerable neighborhood outreach and discussions with Planning staff and the City Council, and feels that the concern expressed regarding sitelines, traffic on Ralston Avenue, preservation of trees, and building mass as perceived from Ralston Avenue have been addressed. He presented a photo montage of the proposed project. Regarding traffic concerns, he noted that this type of facility is a low generator of traffic since many of the required facilities will be built into the community, and van service will be offered.

David Gates, Landscape Architect, stated that all vegetation on the Ralston corridor will be maintained, and the development will not intrude on the visual character of the oak wooded hillside. He described the landscape plan in detail using a montage with overlays.

Allan Cristofani, project architect with TWM Architects, demonstrated the plan with drawings and sample colors.

The applicants answered questions of the Commission regarding the planned pool location, height of the buildings and trees, and anticipated number of residents.

C Parsons suggested that, as the project proceeds, story poles be utilized to show the exact location and height of the buildings. C Parsons presented a letter of support of the project from Gordon and Evelyn Seely of 1206 Chula Vista Drive, and apologized for not having had a chance to respond to e-mails he had received from neighbors, since he has been out of town.

Chair Parsons opened the public hearing.

Risa Horowitz, 1507 Ralston Avenue, commended the applicant on the project, is basically in favor of the project, but feels the vegetation on Ralston Avenue needs to be upgraded.

Sam Horowitz, 1507 Ralston Avenue, stated that he was disappointed that more neighbors were not at the meetings sponsored by the applicant. He feels that his concerns about traffic, building mass and positioning have been addressed and are reflected in the plans as presented, and that the type of community being proposed will enhance the area. He urged the Commission to support the plan.

Jackie Horton, a resident that lives on Chula Vista Dr., has plans to use the back part of her property, which is right on the property line. She feels that the proposed building is massive and too tall, and that some windows will look into her daughter's bedroom. She is also concerned about the setback and noise from mechanical equipment.

MOTION: By C Gibson, seconded by C Mathewson, to close the public hearing. Motion passed.

C Petersen suggested that if the market for elder care facilities changes in the future, the use of the buildings could change and traffic could be significantly impacted. She wondered if there is a height limitation for assisted living facilities, and feels that four stories is tall for that area. She would like to see removal of fewer oak trees, a reduced setback and a business plan.

C Gibson believes the project will be a great asset to the City, but was concerned about the size of the building. He was confident that the owner would do a first class job.

C Mathewson echoed the prior concerns and planned to visit the Horton's back yard. Regarding the parking garage, he felt that some of the corner spaces would be difficult to get into and out of. He would prefer not to see the removal of Eucalyptus trees.

C Parsons commended the applicant on the project. He was concerned that the density is low as currently developed, and questioned the long-term plan: What will Phase 3 be. What is the master plan for the entire site? Will the present one-story structures be replaced with higher density structures for an interim care facility? If that were to occur, the appearance of the whole site could change and traffic would be impacted. He felt that it is a beautiful project, but was also concerned about the height and setback of the wing where the adjacent homes are located. He did not approve of the two-deep parking lot.

Chair Parsons declared a recess at 8:17 p.m. Meeting resumed at 8:26 p.m.

Public Hearing - 3830 Naughton Avenue: To consider a Single-Family Design Review and Tree Removal Permit to allow the construction of a 2,585 sq. ft. new two-story, single-family residence, where a maximum of 2,620 sq. ft. would be allowed on the site. (Appl. No. 00-1010); APN:043-390-090 Zoned: HR02; CEQA Status:

**Categorical Exemption; Mathew Hawks:
(Applicant/Owner)**

PP de Melo presented the staff report, and based on findings regarding removal of or impact to protected trees and home design in relation to the topography of the site, recommended denial of the project as proposed. PP de Melo answered questions from the Commission regarding location of the house, and potential damage to trees.

Terry Hawks, father of the owner of the property, noted that a variance would have to be obtained in order to move the house closer to the street and further away from the trees. They are looking for feedback from the Commission in order to determine future direction.

Responding to Commissioner Torre's question as to why a variance would be required, Mr. Hawks stated that in order to build the house as designed, it would need to be moved into the setback. The property line is 20' back from the street, and the setback is another 20' from there. He added that bedrooms directly under the garage would create lighting and egress problems.

Chair Parsons opened the public hearing. No one came forward to speak.

**MOTION: By Commissioner Mathewson, seconded by Commissioner Gibson, to close the public hearing.
Motion passed.**

MOTION: By Commissioner Gibson, seconded by Commissioner Mathewson, to deny the single-family design review and tree removal permit for 3830 Naughton Avenue for the reasons stated in the staff report.

Ayes: Gibson, Torre, Petersen, Mathewson, Parsons

Noes: None

Absent: Wiecha

Motion for denial passed 5/0/1.

Chair Parsons announced that the item can be appealed to the City Council within ten days.

Public Hearing – 120 Sem Lane: To consider a General Plan Amendment, Rezoning, Conditional Use Permit, Variance, Grading Plan, Design Review, Tree Removal Permit and Mitigated Negative Declaration to allow construction of a 51,072 square foot, 108-room Extended Stay America hotel on a 1.35-acre site currently occupied by an indoor soccer facility and billiard/recreation club. (Appl. No. 01-0056; APN: 040-371-040 Zoned: Limited Manufacturing (M-1); CEQA

Status: Mitigated Negative Declaration; Freiheit and Ho Architects (Applicant); Donald J. and Marilyn Scranton Trust (Owner)

Referring to the recommendation in the staff report regarding Items 1, 2, and 3, CDD Ewing clarified for the Commission that action would need to be taken on item 2, Mitigated Negative Declaration, before items 1 and 3.

Associate Planner Ouse summarized the staff report, recommended adoption of all resolutions, subject to the conditions attached thereto.

J. R. Rodin, representative of the Extended Stay America, indicated that they were able to incorporate the Commission's earlier concerns into the project, and that they concur with staff's recommendations. They are looking forward to being in Belmont, and feel that they will make a positive contribution both economically and to the business community and the citizens of Belmont.

Chair Parsons opened the public hearing. No one came forward to speak.

Responding to C Gibson's question as to whether this is a good time to be building a hotel, Mr. Rodin stated that the clientele of Extended Stay America is basically comprised of business people who come into the community for corporate training rather than vacationing tourists. Their business model allows them to function profitably at 40% occupancy and they feel that things will not be this dire permanently.

MOTION: By Commissioner Mathewson, seconded by Commissioner Gibson, to close the public hearing. Motion passed.

C Parsons stated that he would like to see the exit/entrance to the building closest to Shoreway and Sem Lane eliminated and, if it is not required, that it be included in landscaping. He feels that the building is large vertically, and suggested that the landscape plan be revised to include some trees that have height commensurate with the building's mass, especially on the streets mentioned.

C Gibson echoed C Parsons' comments and added that he feels there is a need to mitigate the loss of recreation facilities, noting that there is no recreation in the hotel or on the street, except for the short path along the slough. He believes there is an opportunity to improve the facility by either hooking it up with Marine World Parkway or perhaps with a bridge across the slough.

C Mathewson agreed that the Commission should be concerned about somehow replacing the recreation facilities. He feels that the project is a much better project than it was when it first came to the Commission.

C Torre felt positively about the project, with the conditions as recommended by staff, with the exception of the reasoning under the Building Height Variance Request, item (a). She was not comfortable with the discussion of economic competitiveness and the comparison with a height variance granted to Motel 6 .

C Petersen felt positively about the project, and feels it is a good use of the land. She likes the design and thinks it would be a good addition to Belmont and would support it as presented.

C Gibson added that has no problem with the height, and did not see how a height variance could be granted to Motel 6 and not granted in this case. He felt that the general design has improved substantially since it was first submitted.

C Parsons responded that part of the need for the height variance was the fact that the Commission suggested using hip roofs on the buildings. He does not have trouble making the finding, as there are a number of higher buildings in the area. He feels it is an appropriate place to grant a variance since it is not impacting views or quality of life for anyone.

C Parsons asked staff if it is appropriate for the Commission to make a decision on the question of the value of the loss of recreation facilities. CDD Ewing stated that it is, in the sense that the Commission has an environmental document before it that provides identified impact and mitigation which staff believes is appropriate, based on an analysis presented by the applicant. If that is not adequate, then additional analysis would be required. He suggested that it be resolved by the City Council, since they will have to approve this project.

Responding to C Mathewson's question regarding setting a precedent by reducing the 26' minimum width in the parking aisle to 25', CDD Ewing stated that they must be treated as individual variance requests. He added that it is fair to say that when you look at each case, it must stand alone and that commercial projects and single-family home variances cannot be compared. C Parsons added that he would rather see the additional landscaping than a 26' driveway.

MOTION: By Commissioner Torre, seconded by Commissioner Petersen, to approve the Resolution recommending City Council adoption of a Mitigated Negative Declaration of Environmental Significance at 120 Sem Lane.

Ayes: Torre, Petersen, Gibson, Mathewson, Parsons

Noes: None

Absent: Wiecha

Motion passed 5/0/1

C Gibson added for the record his hope that City Council will look again at

mitigation for both the reduced supply of and increased demand for recreation at that site.

MOTION: By Commissioner Torre, seconded by Commissioner Petersen, to approve the Resolution recommending City Council Approval of a General Plan Amendment and a Rezone to Change the Designation of 120 Sem Lane from Light Industry (LI) to Highway Commercial (CH) and to Rezone from Limited Manufacturing (M-1) to Highway Commercial (C-3)

Ayes: Torre, Petersen, Gibson, Mathewson, Parsons

Noes: None

Absent: Wiecha

Motion passed 5/0/1.

Responding to Commissioner Mathewson's question, PP de Melo stated that this is the third General Plan change the Commission has recommended this year, and they are allowed four per calendar year.

MOTION: By Commissioner Torre, seconded by Commissioner Petersen, adopting the Resolution approving a Conditional Use Permit and Design Review permit at 120 Sem Lane – Extended Stay America – with conditions as attached, and the addition that the landscape plan be brought back to the Commission with a provision for removal of the Carob trees and the addition of taller trees that are in keeping with the bulk of the building.

Ayes: Torre, Petersen, Gibson, Mathewson, Parsons

Noes: None

Absent: Wiecha

Motion passed 5/0/1.

MOTION: By Commissioner Torre, seconded by Commissioner Petersen adopting the Resolution approving a Grading Plan and Variance for Construction of an Extended Stay America Hotel at 120 Sem Lane with conditions as stated in the report.

Ayes: Torre, Petersen, Gibson, Mathewson, Parsons

Noes: None

Absent: Wiecha

Motion passed 5/0/1.

Chair Parsons added for clarification that this project will go to the City Council for General Plan Amendment and Zone Change. If these are not approved, the other entitlements are rendered invalid. It was also noted that the Tree Removal Permit as advertised was not required as there are no protected trees on the site.

Public Hearing – 1485-1495 El Camino Real: To consider a Design Review for an existing 11,326 square foot retail/office commercial building with 13 units to remodel and redesign the building to a 10,850 square foot retail/office commercial building with 11 units. (Appl. No. 01-0105); APN: 045-247-040; Zoned: C-3 and D-1; CEQA Status: Exempt; Aziz Shariat (Owner); Igino Pellizzari (Applicant)

PP de Melo summarized the staff report, recommending approval with conditions as attached.

Igino Pellizzari, applicant, explained that the gross area that they are considering using as retail and office space is equivalent to the present use, and the size of the building has been reduced in order to provide handicapped access in the front. He stated that he would not object to enlarging the proposed parking sign on the south side of the building, and that he attempted to incorporate the architectural design elements for the downtown district as provided by the City. He has a letter from CalTrain that they have agreed to an indefinite lease for parking and landscaping.

Responding to Chair Parsons, Mr. Pellizzari stated that the plan is to stucco the entire building and use commercial aluminum windows, powder-coated to match the color scheme, and they had not planned to make any modifications to the retaining wall, which is on a separate parcel. He added that the low-hanging wires at the front of the building are from the electrical services that are at the south end of the building.

Chair Parsons opened the public hearing.

David Rusch, 1471 El Camino Real, stated that he supports the design to rehabilitate the building, however, he noted that there are six addresses for the front of the building, which indicates six units, but that the top floor has a seventh restroom and the building has seven electrical meters. The applicant proposes to expand the use to eleven units to make the building totally productive, but does not want to offer his lot on the south of the property for parking. He believes that there will not be enough parking for eleven units with two employees per unit, and would like to see the downstairs used totally for storage. He added that the easement to get to the parking is only 15' wide and is on the neighbor's property to the north, and the month-to-month lease for parking is nothing more than that and is not indefinite. He asked the

Commission to take a longer look at the project and urged continuance to attempt to keep the use at it's current square footage level and keep the bottom of the building for storage.

MOTION: By Commissioner Mathewson, seconded by Commissioner Torre, to close the Public Hearing. Motion passed.

Responding to Chair Parson's question regarding parking requirements due to the change of use from storage to retail/commercial, PP de Melo stated that there is no distinction if more storage or less storage is utilized. It is based on a gross calculation of 90% of the total gross floor area for the business. He added that if the applicant were to contemplate a restaurant or similar more intense use on this site, there would be a more intense parking requirement and he would be required to come back for further evaluation of a potential parking variance or more strict parking requirements.

C Gibson asked what the parking requirements would be if this were a new building. After doing some calculations, PP de Melo responded that 39 spaces would have to be provided. CDD Ewing added that it is a legal non-conforming situation with zero parking. C Gibson commented that he applauds the project, but suggested that the exterior be changed from peach to a cream color.

C Petersen stated that the adjacent property owner raised some issues she hadn't thought about, and would therefore prefer to have some time to think about them.

C Mathewson commented that it is unfortunate about the parking, but that the project is otherwise acceptable to him.

C Parsons welcomed the project, but raised the following concerns and suggestions: 1) The finish needs to be the same all the way around the building; 2) The hole on the edge of the adjacent property needs to be considered as part of this project. The overhang that projects over the property line onto the CalTrans right-of-way needs to be reduced by 5' on either side of the trees to allow the trees to gain some height, or eliminate the overhang and just have the covered walkway; 3) Bark is not really a landscape element and should be replaced with something green; 4) A more detailed landscape plan showing trees, shrubs and plants to be used would be appropriate so the commissioners could see what would be there in terms of numbers and size; 5) The fence at the landscaped area to the south of the building could be moved back to at least the retaining wall to provide for some good size trees to soften the look of the property.

MOTION: By Commissioner Mathewson, seconded by Commissioner Gibson, to adopt a Resolution approving a Design Review for a commercial building at 1485-1495 El Camino Real, with the conditions attached to the Resolution, and the additional requirement that a final landscape plan be returned to the Commission. The revised plan should include a front elevation that

addresses an opening in the canopy and trellis to allow for taller trees, should delineate the location and size of plantings, and should include ground cover rather than bark.

Ayes: Mathewson, Gibson, Torre, Parsons

Noes: None

Abstain: Petersen

Absent: Wiecha

Motion passed 4/0/1/1

Chair Parsons announced that the item can be appealed to the City Council within ten days.

NEW BUSINESS: None

REPORTS, STUDIES, UPDATES, AND COMMENTS

C Peterson stated that she had received several phone calls and e-mail messages from concerned citizens regarding the Monte Cresta Road Improvement Project. One e-mail in particular was from a Belmont resident who thought she was signing a petition in support of one home and it turned out to be in support of twenty six homes. C Petersen gave a copy of the e-mail message to PP DeMelo and asked that staff carefully scrutinize all documents for this project.

C Peterson also mentioned that City Council would be voting October 9, 2001 on the resolution to consider approving Membership with Sister Cities International and Sister City Exchange between Belmont and Namur, Belgium.

C Torre stated that she requested information to come back to the commission, however she could not recall what items they were. CDD Ewing replied that staff has responded on a couple of items but will likely not be able to begin work on the hillside zoning standards until January, given that they have lot mergers, housing elements and holidays coming up between now and then. He suggested that C Torre call him if there were additional issues.

CDD Ewing reported to the Commission as follows:

The City Council agenda for October 9 includes hearings on the Lot Merger Ordinance and the 3-lot subdivision on North Road, as well as interviews of candidates for the vacancy on the Planning Commission.

The Council rejected bids for City Hall, and staff is now in the process of planning an alternative that may result in a smaller, stand-alone facility for the Police Department.

The permit re-engineering process is going forward; the consultant will be in City Hall reviewing the map of their process with staff. A number of recommendations will result that will significantly affect how applications are brought from the counter to the Commission.

Public Works Director John Curtis has resigned and will be going to the City of Los Gatos.

On November 13, Council expects to discuss Code Enforcement procedures; i.e., what tone and approach staff should take on code enforcement items. The memo will be provided to the Commissioners so they may join the Council in that discussion if they so desire.

The Planning Commission meeting normally held on November 6th will be held on Wednesday, November 7th due to the election.

Council approved the Housing Element for submittal to the State in draft form; it will be mailed this week and will be agendized for a Planning Commission hearing in late December or early January.

Project Updates: 1) Sunrise Project. Concrete for the steel framing will be poured in the next few weeks. Expect phone calls from people who see a number of feet of vertical steel at the corner of Alameda and Ralston. Plans will be available at the counter. 2) Notre Dame High School. There was an accident with a worker at the site, and a portion of the project related to construction of retaining walls was shut down for awhile. 3) Ross Woods. The project is moving along and the historic house has been put on stilts. It is being moved around as they prepare the grade for the foundation on which it will eventually be located.

The Community Development Department staff is planning monthly tours of the utility facilities that support what Belmont is as a community – i.e., the Fire Department headquarters, sewer treatment plant, water facilities, and/or PG&E's gas and electric facilities. The schedule will be shared with the Commission with the hope that anybody who is available will participate.

C Mathewson asked Counsel for a report on the outcome of the court hearing regarding the Kentera case. City Attorney Savaree stated that it was referred to the settlement judge, Judge Kopp, and a settlement agreement was reached. As a result, the Kenteras have submitted the required application for a Conditional Use Permit, and the Commission is required to consider the application in the next sixty days to determine if it feels it is appropriate to grant the CUP. If not, then the matter goes to trial. For the benefit of the newest Commissioners, CA Savaree explained that the home in question has a large amount of illegally constructed square footage and the owner had previously come before the Commission and Council in an attempt to legalize all of the square footage and was turned down. The application coming to the Commission will require that some of that space be made unavailable for habitation.

ADJOURNMENT:

The meeting adjourned at 10:05 p.m. to a regular meeting on October 16, 2001 at 7:00 p.m. at Twin Pines Senior and Community Center.

Craig A. Ewing, AICP

Planning Commission Secretary

*Audiotapes of Planning Commission Meetings are available for review
in the Community Development Department.*

Please call (650) 595-7416 to schedule an appointment